

Mark J. Dannels
Sheriff

Thad J. Smith
Chief Deputy

Office of the Sheriff

Cochise County



Jim Vlahovich
County Administrator, Cochise County
1415 Melody Ln, Bldg. G
Bisbee, Az. 85603

August 8, 2016

Dear Jim,

I am writing to you in hopes of being able to resolve an issue which has been lingering for far too long now.

On or about March 31st of this year, you and Ed Gilligan informed me Cochise County I.T. personnel provided you documentation indicating some employees of the Sheriff's Office may be visiting and viewing pornographic websites via the county computer network. At the time of our discussion specific details were not available, because the documentation was still being reviewed by your staff. I asked that you provide me with as much detail as possible such as names, dates, durations and locations so we could initiate an administrative investigation. You indicated Ed was the point of contact for you and would provide my Office with all of the information we required. The following day, we met and I was provided with the names of sixteen employees, but no other information. I informed you Commander's Genz and Bradshaw will be performing the investigation for my Office and will be in contact with Ed to obtain the details and documentation supporting the allegations.

One to two weeks after our initial conversation, Cmd. Genz received a disc sent from your department through county distribution. The contents of the disc appeared to be a computer generated spreadsheet consisting of individual employee names, numbers or codes associated to sites those individual employees are alleged to have viewed, and the date/time and duration they were viewing the site. Commanders Genz and Bradshaw took the information they had and began meeting with employees on the list provided by your department. The purpose for meeting with employees was to ask preliminary questions to determine the scope of the allegations or if an investigation was necessary in each and every circumstance. In the early stages of the preliminary questioning, the Commanders became aware of conflicting information between the information we were provided by your department and information we obtained from Sheriff's Office records. To be brief, we have searched a small sample of the named employees daily work status through our computer generated radio logs and work schedules. We verified some were out of the office and in the field engaged in conducting criminal investigations at the times they are alleged to be viewing pornographic websites, and in other cases were on regular days off during the times they are alleged to be viewing pornographic websites on

county computers via the county network. Obviously, this raises numerous questions which we have to obtain answers for in our investigation. This knowledge alone creates the specter of doubt on the validity of the information we were provided and more so if an employee emphatically denies having searched for and viewed pornographic materials on county computers via the county network.

With this information in hand, Commanders Genz and Bradshaw rightfully concluded that for them to perform a comprehensive fact finding investigation requires far more detailed information than they had been provided. Examples of the information needed is the actual computer which the search and viewing was performed from, the time and date of log on and by whom, what the user actually searched for, browser information, and if the site was in fact selected for viewing or a result of a broad search which led to multiple hits or pop-ups. Additionally, they need to know what the firewall or security program defines as pornography. Here is why we need to know this, in one particular circumstance an employee searched for Elvira finger nails, apparently the search coincided with Halloween, and this search is listed or labeled as pornography?

On or about May 17, 2016, Commander Genz approached Ed Gilligan and explained the circumstances to him. During this conversation, Cmd. Genz made it clear he needed additional and very specific information from I.T., as outlined in the aforementioned paragraph. Cmd. Genz was assured the information would be provided in short order. Several weeks went by and no additional information was provided, so once again Cmd. Genz reached out to Ed Gilligan and again requested the additional information we are requesting be provided.

On July 8, 2016, Commanders Genz and Bradshaw met with you and Ed Gilligan to discuss this issue again, because the information requested had yet to be provided. During the meeting they clearly conveyed the necessity of having detailed information and the fact it has been months since this issue was first raised. Commanders Genz and Bradshaw were assured the information they sought would be provided immediately. In fact they were told Ed would begin collating the information the next day and have it available in the upcoming week.

As of today's date, August 8, 2016, we still have not received even a scintilla of the information requested, nor has anyone from your office contacted us to explain why not.

I should not have to explain why this information is so critical to our administrative investigation, but for the sake of avoiding an argument I will. Regardless of the type of investigation we take all allegations seriously, and will thoroughly investigate a matter and base our outcomes on demonstrable and unbiased facts and circumstances. We shall not substitute speculation, conjecture, or mere suspicion for factual content. I'm confident our record speaks for itself in supporting this position, and to do anything less would be a breach of our professional (statutory) and moral obligation to the citizens and employees.

More than four months has passed since this subject was first brought to our attention. Next week, three months will have passed since our first request for additional information. There is absolutely no plausible excuse for why we have not received the information requested. If I did not know better, I would suspect we are being stonewalled.

Please consider this as my final request for the information required to conduct our investigation. Should Commander Genz not receive the information by the close of business on August 12, 2016, we will be left with no other choice but to continue the investigation based on the scant and unverifiable information we currently have in our possession and afterwards take the appropriate action consistent with the fact findings of our investigation.

Sincerely,



Mark J. Dannels